

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, Applicants appreciate the Examiner's indication that the elected species is allowable and that the search was broadened within the scope of the generic claim 9.

Claims 9-10, 12, 14, 16-18 and 20 are rejected under 35 USC 102 as anticipated by U.S. 5,552,420. This ground of rejection is respectfully traversed as applied to the claims after the foregoing amendments.

The rejection states that the claims are anticipated by the compound of Example 18F of the cited patent.

In view of the starting material, in the compound of Example 18F, "azo=1-ethyl-4-pyrazolyl" on line 7, column 30 should read "azo=1-ethyl-3-pyrazolyl".

This compound has been deleted from the claimed invention by reciting in the amended claim that the compound is now excluded from the scope of the claim. See the first recited compound of the proviso paragraph.

In view of this amendment, the rejection under 35 USC 102 is deemed to be overcome.


Regarding the objection to the claims, Applicants respectfully request that this ground of objection be held in abeyance until all other grounds of rejection have been overcome.

The Examiner is respectfully requested to note that in amendments to claim 9, the second compound recited in the proviso language which has been excluded from the claim scope is excluded in order to distinguish the claimed invention from the middle compound on page 375 of WO 2000/075120 cited in the International Search Report.

In view of the foregoing, favorable action on the merits is solicited.

Respectfully submitted,

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